

REMARKS

In the last Office Action, the Examiner rejected claims 18, 24, 29, 30, and 35 under 35 U.S.C. § 102(b) as being anticipated by Miller et al. (U.S. Patent No. 5,549,626); and rejected claim 21 as being unpatentable over Miller et al. under 35 U.S.C. 103(a). The Examiner further objected to claims 22, 26-28, 31-34, and 36 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

By this Amendment, Applicants amend claims 18 and 30 and add new claims 37-68. Claims 18, 21, 22, 24, and 26-68 are pending. Of these claims, claims 18, 30, 37, 45, 52, 60, 64, and 67 are independent.

Amended independent claims 18 and 30 recite a retrieval device comprising, among other things, a retrieval assembly including a proximal portion having a plurality of strands and a distal portion having a plurality of wires. Each strand has a first rigidity and each wire has a second rigidity different from the first rigidity of the strands

Miller et al. discloses a vena caval filter having a filter 13. Miller et al., among other things, discloses that the filter 13 comprises a mesh-like, collapsible basket that may be metallic or plastic. Miller et al. fails to disclose that the filter 13 has a proximal portion comprising a plurality of strands having a first rigidity, and a distal portion comprising a plurality of wires having a second rigidity different from the first rigidity of the strands. Accordingly, Miller et al. fails to teach each and every element of amended independent claims 18 and 30. Applicants respectfully request that the rejection be reconsidered and withdrawn.

Claims 21, 22, 24, 26-29, and 35-36 depend from claim 18 and are patentable for at least all of the reasons for which claim 18 is patentable. Additionally, claims 31-34 depend from claim 30 and are patentable for at least all of the reasons for which claim 30 is patentable.

Furthermore, in accordance with the Examiner's indication of claims 22, 26-28, 31-34, and 36 being allowable if rewritten in independent form and including all of the recitations of the base claim and any intervening claims, Applicants submit new independent claims 37, 45, 52, 60, 64, and 67. These claims are patentable because they contain the recitations of the claims identified by the Examiner as allowable.

Specifically, independent claim 37 comprises the recitations of claim 22: the retrieval assembly's proximal portion comprises a rigid material, and the distal portion comprises a flexible material. Independent claim 45 comprises the recitations of claim 26: wherein distal ends of the plurality of strands define a square area when the proximal portion assumes a three-dimensional shape. Independent claim 52 comprises the recitations of claim 27: the medical device comprising a guidewire, wherein axial movement of the guidewire in a proximal direction collapses the distal portion of the retrieval assembly. Independent claim 60 comprises the recitations of claim 31: dilating the body tract around the object by the proximal portion when the proximal portion assumes the three-dimensional shape. Independent claim 64 comprises the recitations of claim 32: wherein extending the retrieval assembly comprises moving the sheath in a proximal direction to cause the retrieval assembly to achieve an open position when the retrieval assembly extends beyond the distal end of the sheath. Independent claim 67 comprises the recitations of claim 33: wherein the retrieval device further comprises a

guidewire having a distal end joined to the distal portion of the retrieval assembly.

Each of claims 38-44, 46-51, 53-59, 61-63, 65, 66, and 68 depend from one of claims 37, 45, 52, 60, 64, and 67, and are patentable for at least all of the reasons for which these base claims are patentable.

Applicants respectfully request that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 18, 21, 22, 24 and 26-68 in condition for allowance. Neither the proposed amendments of claims 18 and 30, nor the addition of claims 37-68, raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, since all of the elements and their relationships claimed were either earlier claimed or inherent in the claims as examined. Therefore, this Amendment should allow for immediate action by the Examiner.

Furthermore, the final action by the Examiner presented some new arguments as to the application of the art against Applicants' invention. The entering of the Amendment would allow the Applicants to reply to the final rejections and place the application in condition for allowance.

Finally, the entry of the Amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

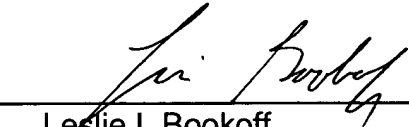
In view of the foregoing remarks, Applicants submit that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicants therefore request the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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